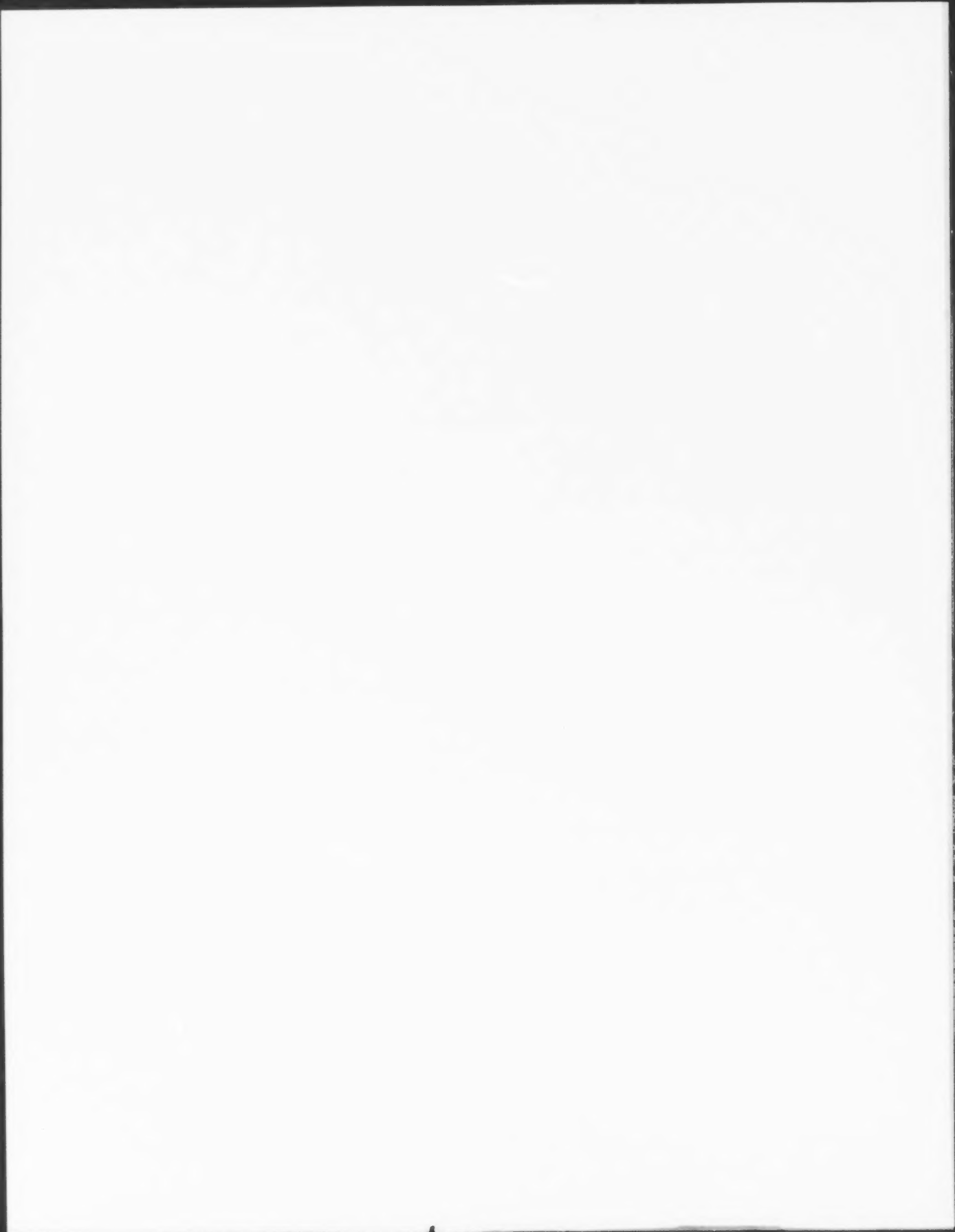


**MINISTRY OF WATER, LAND AND AIR
PROTECTION**

KAMLOOPS INCIDENT INVESTIGATION

March 16, 2003

(Note: Information withheld pursuant to Sections 32
and 33 of the Freedom of Information and Protection
of Privacy Act)



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METHODOLOGY

In the event of serious injury to or the death of a worker, the Workers' Compensation Board of British Columbia OHS Regulation requires the employer to immediately notify the Board. In the event of an injury requiring medical attention, the employer must undertake a worksite investigation.

An investigation required under this Division must be carried out by persons knowledgeable about the type of work involved and, if they are reasonably available, with the participation of the employer or a representative of the employer and a worker representative.

As far as possible, the investigation must determine the cause or causes of the incident, identify any unsafe conditions, acts or procedures that contributed in any manner to the incident, and if unsafe conditions, acts or procedures are identified, recommend corrective action to prevent similar incidents.

The WCB reference guide and workbook for investigations states that the workplace or employer's investigation should focus exclusively on identifying cause rather than pinning blame. The accident investigation training agreed to in the collective agreement also stipulates that the accident investigation is not to lay blame.

Even in the most straightforward incidents, seldom is there only a single cause. This incident was not an accident, but a murder suicide. The challenge for the investigators is choosing a method to investigate that:

- Supports gathering as many facts as possible
- Concentrates on system failures rather than blame
- Reduces the number of assumptions

Most importantly, the investigation must attempt to establish if there are any linkages between the actions of the many participants, and subsequent results of their contact.

For this incident investigation the Workplace Investigation Team (the Team) used a multilinear events sequencing model developed by Ludwig Brenner. This accident investigation process looks at the sequence of events that preceded the incident to determine what happened and why it happened. It is designed to collect as much information as possible. The employer hired a lead investigator who discussed the proposed methodology with the WCB prior to the investigation and was assured that the methodology was appropriate for investigating this incident.

The incident investigation began with the shootings on October 15, 2002, and worked backwards examining the sequence of events to identify if there were any conditions, acts or procedures that contributed in any manner to the incident.

When reviewing possible system failure in an incident investigation, there are generally two types of failures:

1. System design failure. Occurs when there is no system in place that could be used by the participants to prevent the incident, or the system is flawed and cannot be used as designed, or
2. Implementation failure. Occurs when the system is in place and would be effective if it were implemented, but the implementation strategy is flawed.

The Team focused on whether there were any system design or implementation failures that were contributory to the accident.

The investigation relied on interviews with staff and written documents. It should be noted that the Team did not undertake a thorough review of human resource practices or procedures we thought might have a relationship to the incident, although in the recommendations section we ask that others, who are more qualified, do so.

The Team would like to acknowledge all of those people who came forward in a difficult situation to share their knowledge and to help us complete the investigation. Several staff requested that we respect their privacy and anonymity, and we have agreed to do so.

INVESTIGATION REPORT SUMMARY

On October the 15th, 2002, at the Ministry of Water, Land and Air Protection office located at 1210 McGill St. in Kamloops Dick Anderson was [] by Jim McCracken, his direct supervisor.

Subsequent to their meeting Dick Anderson left the office, drove home and retrieved a personal handgun. He returned to the office building whereupon he shot Jim McCracken, his supervisor, and David Mardon, the shop steward. Both men died at the scene. Mr. Anderson returned to his own office where he shot himself. We will never know with certainty what triggered Mr. Anderson's actions on October 15, but we believe the triggering factor was the notification that he received.

Four workers were physically injured during the evacuation of the building and subsequently received or are receiving medical attention. Two workers who were trapped in the building were traumatized and are subsequently receiving medical attention for post-traumatic stress. Several other workers are receiving medical attention for post-traumatic stress.

Pursuant to the relevant WCB regulations the investigation Team focused its attention on Mr. Anderson's work history to ascertain if:

- There were indicators that he might be prone to violent behavior, and

- There were other factors that might have contributed to other injuries
- There were effective systems in place to intervene if such indicators or factors were identified.

From the information gathered, Mr. Anderson was [] on October 15, 2002 as a result of concerns by his superiors about his management style. Some staff alleged that []
Common themes from the interviews were that he:

- Complained in meetings with several staff about his supervisors and senior management [].
- Told staff he was under stress which they related to several re-organizations and cuts in staffing levels
- Told staff that he did not feel supported by senior management on certain environmental issues and was working longer hours as a result
- Talked to several staff about violence[].

From the information that was gathered during the investigation, it appears that [

]. In the Team's opinion the process used to notify Mr. Anderson of his employment status on October 15, 2002, contributed to the events that unfolded. Ultimately, events placed Mr. Anderson and Mr. McCracken in a position that resulted in their deaths. Mr. Mardon was involved in a discussion with Mr. McCracken that placed him in the room with Mr. McCracken when Mr. Anderson returned to the office.

ASSUMPTIONS

In any incident investigation the investigation team tries to avoid making assumptions or to rely on hearsay. Given that the individuals with direct knowledge of the events have passed away and the staff have been moved from the office some assumptions and postulation became necessary. Note the following:

- The investigation took place after the office had been vacated so a site visit was replaced by floor plans when considering office layout. These floor plans might not have been completely accurate.
- Impacted staff attended a general debriefing and group counseling sessions prior to the investigation. When traumatized workers share their stories in such a venue,

personal perceptions can be affected by the group perception. Therefore, some information about the events of October 15 may have been distorted as a result of those sessions. The Team has accepted statements at face value.

- Based on the interviews, it is assumed that escalating workload, organizational change, staffing cuts and unfilled key vacancies in the Kamloops Environmental Protection office may have contributed to increased stress for Mr. Anderson.
- Interviewees stated that Mr. Anderson had a clear understanding of the relevant collective agreements and the discipline process to be used with staff. [

] management style”.

The Team has assumed that he may have been lacking the supervisory skills required to manage the office positively and effectively.

- Witnesses in Penticton and Kamloops stated that Mr. Anderson [] prior to his meeting with Mr. McCracken. We believe Mr. Anderson was surprised when he learned [].
- During the meeting between Mr. Anderson and Mr. McCracken we assume Mr. Anderson was [].
- After meeting with Mr. McCracken on October 15th, Mr. Anderson interpreted the events as his termination and told two staff that he had been fired. Looking historically at Mr. Anderson's response in 1998, when he was [], the content of the message delivered on October the 15th, including the style and format of the letter, may not have made a difference to the result.
- We assume that Mr. McCracken was Mr. Anderson's primary focus of retaliation. We also assume that other specific individuals, including Mr. Mardon, were secondary in his mind when he returned to the office on October 15th.
- Although we know that during the staff meeting Mr. Mardon raised his concern about whether Mr. Anderson was dealt with sensitively, we do not know the nature of the discussion he was having with Mr. McCracken when Mr. Anderson found them in the interview room.

FACTUAL INFORMATION SURROUNDING THE EVENT

On Thanksgiving, Monday Oct. 14, 2002, Mr. Anderson travelled by government vehicle to Penticton to notify 3 staff on October the 15th that the positions they occupied would be impacted by the reorganization.

On the morning of October 15th he spoke to two of the staff (the third was absent) in Penticton.

He told the career counsellor in Penticton who was there to support the staff who were impacted that he was looking forward to a meeting that afternoon in Kamloops with his supervisor, Mr. McCracken. He stated that he believed he was there to talk about an increase in resources.

Mr. Anderson returned by government vehicle from Penticton to Kamloops to the McGill St. office in the early afternoon.

Mr. McCracken flew to Kamloops on the morning of October 15th accompanied by a career counsellor from Vancouver. The Ministry had hired the career counsellor to assist Mr. Anderson. This same career counsellor had been hired to assist Mr. Anderson in 1998 when he was not chosen for the Regional Director position.

The Corporate Services Manager for the Thompson-Okanagan Region met Mr. McCracken and the career counsellor at the airport. On their way to the McGill St. offices they stopped at Desert City Security where Mr. McCracken arranged for a plain-clothes security person to be available for an offsite team building session with Environmental Protection Division scheduled for October 16th. Security was not arranged for October 15th.

According to the Corporate Services Manager, a plan was developed that included:

- The Corporate Services Manager and the career counsellor were to wait outside the office for five minutes before following Mr. McCracken into the office. The Corporate Services Manager believes this was because Mr. McCracken did not want Mr. Anderson to see the career counsellor prior to the meeting.
- Mr. McCracken and Mr. Anderson would meet in Mr. Anderson's office
- []
- The career counsellor was then to meet with Mr. Anderson, and make arrangements for Mr. Anderson to leave the premises.
- The Corporate Services Manager was to have staff change the number combinations on those doors at 1259 Dalhousie equipped with combination keypads and cancel Mr. Anderson's computer access.

Mr. McCracken met with Mr. Anderson at approximately 2:00. Mr. Anderson received the letter telling him that Mr. McCracken was recommending his termination, and that the Deputy Minister was giving him the opportunity to respond to that recommendation. He was told that he would not be required to attend the worksite until further notice.

As the Corporate Services Manager came in with the career counsellor to relieve Mr. Anderson of his keys Mr. Anderson left his office, brushed by the career counsellor without speaking, told two staff that he had just been fired, and exited the office building through the back door. He drove away in the government vehicle. The career counsellor did not realize that there was a back door and that Mr. Anderson was leaving the building until it was too late.

Mr. McCracken immediately convened a staff meeting to inform staff that Mr. Anderson [] would not be returning to their workplace. After the staff meeting Mr. McCracken and Mr. Mardon met in the client room which adjoined the conference room. The subject matter of their meeting is unknown.

Mr. Anderson returned to the building approximately 20 minutes after his departure, entered through the back door, and walked to his office located in the Northeast corner of the building. Upon seeing that Mr. McCracken was not there he asked where he could find him. While staff were looking for Mr. McCracken, Mr. Anderson walked down the hall and found Mr. McCracken and Mr. Mardon in the client room. The career counsellor, who had been standing in or near Mr. Anderson's office, had followed Mr. Anderson down the hall. He watched Mr. Anderson walk into the client room and the door was closed. When the career counsellor tried to open it, the door was slammed closed.

Shortly afterwards there were two shots. It was later learned that these were the shots that killed Mr. McCracken and Mr. Mardon. Staff who heard the shots evacuated the building through the main, South, and back doors. The staff and the career counsellor alerted other staff as they ran out of the building. Two staff could not evacuate because of their location when the shots were heard. One hid in the men's washroom, and the other hid behind a filing cabinet in her office in the northwest corner of the building.

There was no attempt to follow an orchestrated evacuation. The fact that the panic hardware on the South exit is set lower than the push bar created a momentary evacuation problem at that exit. The problem with this arrangement is that the push bar is set at the height where a person of average height would naturally push the push bar rather than the panic hardware. The first worker to reach the South exit was unable to open the door as he ran and struck the door. Shortly afterwards, a second employee ran into the door, struck his head and fell backwards. Evacuation from the front entrance was also impeded by the fact that the half door at the reception area opens inward. Pictures of these two doors are at Appendix 1.

Staff who escaped the building scattered to a number of locations across the street. Mr. Anderson came out of the client room and went towards the main entrance. On the way he fired another shot that lodged in the doorframe. He exited the building at the main entrance, looked around and returned to the building.

He subsequently returned to his own office and shot himself.

The two staff members who were hiding in the building were not aware that Mr. Anderson had killed himself. They stayed hidden until the RCMP Emergency Response Team entered the building and removed them, approximately 4 hours later.

Four staff sustained physical injuries during the evacuation. Kevin Bennett injured his forehead when he ran into the south exit door trying to escape. Dean Jeske fell after exiting the front door and broke his right wrist. Des Anderson twisted his right ankle after exiting the South door. David Brown tripped on the curb after exiting the front door and took the impact on his leg and arm. He broke his right elbow and bruised his right knee. A number of staff were traumatized by the events.

Prior to the RCMP entry, staff who had escaped used various means of communication to confirm as quickly as possible how many people remained in the building and where one another were located. Most people stayed at their evacuation locations until the police instructed them that they could leave. At this time staff did not know the details of the tragedy.

BACKGROUND INFORMATION

Mr. Anderson was hired in 1989 as the Regional Director in Smithers for the Ministry of Environment Lands and Parks. While he was in Smithers there were verbal complaints from staff to his supervisor, the assistant deputy minister, regarding his [] management style. The complaints were investigated. A performance review conducted in 1995 noted that Mr. Anderson had taken steps to reduce stress []. It stated that the situation should continue to be monitored.

[]

In 1996 Mr. Anderson [] transferred to Kamloops as a Regional Director. In the ensuing years the ministry experienced extensive downsizing and amalgamation processes. Notably, in 1998 BC Lands and the then Ministry of Environment were amalgamated and the two existing Regional Director positions in Kamloops were reduced to one. Mr. Anderson was not chosen for the Regional Director's position but was offered a management position. When his supervisor informed him of the decision he [] stating to those nearby that he had been fired.

A career counsellor was contracted [] to assist him. This is the same career counsellor that was contracted to assist Mr. Anderson on October 15th, 2002. Several staff stated that Mr. Anderson [] this career counsellor. Based on our interviews, several local managers in Kamloops knew this information, but it was not known by senior management within the Ministry.

Mr. Anderson was subsequently offered and he accepted the position of Manager of Environmental Protection for the Southern Interior Regional office. Reporting to him

were four section heads and twenty-eight staff. His supervisor was the new Regional Director of the Southern Interior Region.

During an interview the former Regional Director of the Southern Interior region explained to the Investigation Team that he anticipated complaints from staff because of the [] managerial style that Mr. Anderson brought to the job. Therefore, when verbal complaints from staff about Mr. Anderson's management style were brought to the Regional Director he did not formally document the complaints, as he did not feel that they were credible. He did not take any other action apart from speaking to Mr. Anderson on one occasion because he felt no further action was necessary.

The Regional Director advised that he had not received any written complaints. In interviews with staff they report they were reluctant to file written complaints or grievances because:

1. Previous verbal complaints did not result in any action
2. Some staff members were in vulnerable positions during downsizing and thought a complaint would affect their career and employment stability, and
3. Many believed that if they complained, they would experience some form of negative work related [] by Mr. Anderson. []

In fact, our review indicates that article 32.15 of the BCGEU 13th Master Agreement, which refers to misuse of managerial authority, is designed for such cases and does not require a written complaint. The complete text of the clause is contained in Appendix 2: The Twelfth Professional Employees Association Master and Subsidiary Agreements contains similar wording.

The process outlined in the BCGEU Master Agreement was not followed. Staff were concerned that there would be negative consequences if a formal article 32.15 complaint was filed.

During previous workforce adjustments Mr. Anderson voiced his concerns to some staff and to two other managers regarding the possibility that in reaction to receiving a layoff notice, someone might bring a weapon into the building. Staff reported that Mr. Anderson felt that he and staff were at risk of violence during layoffs.

Three staff members that were interviewed indicated that Mr. Anderson stated that he would react violently if he were to be fired. Those individuals who heard the statements discounted them as being serious.

On January 17th, 2002 there was a Ministry reorganization which resulted in Mr. Anderson reporting to Mr. McCracken.

Prior to March 2002, Mr. Anderson and his staff worked in an office on Dalhousie Drive that included staff and managers from several other sections in the Ministry. In March 2002, Mr. Anderson and his staff moved from their workspace on Dalhousie Drive to a separate office on McGill Street due to program space requirements and as part of the recent downsizing and reorganization. There were no staff or managers from other departments in the new office. Staff report that based on their observations during this time Mr. Anderson was being influenced by a number of factors. These factors included:

- Downsizing and reorganization
- A lack of applicants [] for positions reporting directly to him
- A very heavy workload that staff felt was a result of Mr. Anderson's tendency to micromanage and inability [].
- Low staff morale which created an uncomfortable work environment

Relationships with some staff deteriorated significantly following the move. Some staff eventually complained about Mr. Anderson's leadership style to those higher up in the organization. A consultant, who had been hired to help with the cultural and other changes required to implement the new mandate of the Ministry, was asked to review the morale situation in Kamloops. However, some staff and other managers report that Mr. Anderson believed the consultant was mandated to help him deal with or remove what he viewed as troublesome employees.

On October 10th, 2002 the consultant recommended that Mr. Anderson no longer supervise the staff in Kamloops. Upon reviewing the consultant's recommendation and considering input from staff and other sources, Mr. McCracken made the decision to recommend to the Deputy Minister that Mr. Anderson be terminated from his position as the Manager, Environmental Protection.

CONCLUSIONS

Statement of Accident Cause

The direct cause of the fatal injuries to Mr. McCracken and Mr. Mardon was homicidal gunshot wounds.

The direct cause of the fatal injury to Mr. Anderson was a self-inflicted gunshot wound.

The cause of the post traumatic stress injuries for some of the staff was fear and anxiety related to the event

The direct cause of the injuries to Mr. Brown, and Mr. Jeske was falling while running outside during the building evacuation. The direct cause of the injury to Mr. Des Anderson was twisting his ankle jumping over a hedge while escaping. The direct cause of the injury to Mr. Bennett was striking his head against the south exit door when he mistakenly pushed the push bar and not the panic bar to release the door.

The location of panic hardware on exit doors is not at the same level as the push bar. This impeded the evacuation

The half doors at reception, designed to impede public access to the office, open inward. This did not contribute to staff injuries, but impeded the evacuation.

It is impossible to determine what was in Mr. Anderson's mind when he acted the way he did on October 15, 2002. [

], it appears that a primary contributing factor to his violent actions on October 15, 2002 was the fact that he received notification that [].

Although [] was pivotal to the events of October 15th, 2002 the question that must be addressed is whether there were any unsafe conditions, acts or procedures that contributed in any manner to the event and related injuries. Discipline, terminations or layoffs [] do not result in violence.

Corrective Action for Unsafe Conditions Acts or Procedures

The Ministry could not reasonably foresee that Mr. Anderson would shoot two co-workers and himself on October the 15th, 2002.

The investigation did not uncover any other unsafe acts, conditions or procedures that contributed in any manner to the incident. The team did find a number of concerns that should be addressed.

GENERAL CONCERNS IDENTIFIED BY THE INVESTIGATION

The investigation identified a number of factors the Team believes the Ministry should review:

- There does not appear to be a process for dealing with potential violence by a worker or supervisor to another worker in the absence of a direct credible threat. The system tolerates off-hand threats of violence to a third party.

- Mr. Anderson received one performance review in 1995 that focused attention on his stress management skills and relations with staff. There were no subsequent documented performance reviews, nor evidence that he understood there was any problems with his approach when dealing with staff. The policy requiring performance reviews of management personnel should be reviewed as should the practice for implementing the program
- Numerous complaints from staff seem to have fallen on deaf ears until the January 2002 Ministry reorganization resulted in a new management structure. The process for receiving and acting on worker complaints about senior managers may have both design and implementation flaws. If workers do not understand how to lodge an article 32.15 complaint, and that the article does not require a written complaint, the system can fail them.
- When he went into the meeting with Mr. McCracken Mr. Anderson did not expect []
- Mr. Anderson had to notify 3 staff on October the 15th that the positions they occupied would be eliminated March 31st, 2003. That was the same day Mr. Anderson was to be relieved of his own duties. A number of people that the investigation team interviewed stated that this was a difficult and emotional process for him.
- Mr. Anderson received the news about his impending change of status while in his office. Staff who knew him opined that this might have led to loss of dignity.
- The same career counsellor used in 1998, [] was used on October 15th, 2002. In 1998 Mr. Anderson expressed to a number of people []
Unfortunately, there was no method or opportunity to share this information outside the Kamloops office, most notably with senior staff in Victoria.
- When preparing to terminate Mr. Anderson:
 - There was no discussion with staff, peer managers or former superiors who may have had important information regarding Mr. Anderson's behavior and potential for violence. For example his reaction in 1998 [] should have been considered.
 - There was no documented attempt to provide Mr. Anderson forewarning that his position was at risk due to concerns among his supervisors regarding his performance.
 - There was no attempt to verify that the career counsellor was the one most suited for this intervention. The fact that Mr. Anderson stated publicly on a number of

occasions that he [] the career counsellor who was subsequently chosen to help him deal with his change of status may have rendered that component of the safety net inoperable.

- Mr. Anderson was allowed to retain government keys. He was able to take his keys, drive home in the government vehicle, and return through the back door of the office.
- The decision to allow Mr. Anderson to first give the layoff notices in Penticton on October 15th was made so that Mr. Anderson would not be alerted to anything unusual. This decision probably contributed to the emotion that Mr. Anderson felt on receiving his notice.
- The process of removing Mr. Anderson from his duties was driven at an accelerated rate to accommodate the facilitated team building session scheduled for October 16th.

RECOMMENDATIONS TO THE MINISTRY REGARDING GENERAL CONCERNS

Although the WCB does not require recommendations in the absence of unsafe conditions the Team has made recommendations to address the concerns raised by the investigation. These general recommendations from the investigation are listed below.

Review office layout in terms of impediments to staff evacuation. In particular, note that:

- The location of panic hardware on exit doors should be at the same level as the push bar
- The half doors at reception, designed to impede public access to the office, should open outward rather than inward.

Ensure that persons hired into supervisory positions have positive leadership skills including the use of constructive progressive discipline.

Encourage and reward constructive human resource practices by supervisors

Ensure that employees at all levels, receive at least annual performance reviews and development plans that lead to documented action plans with clearly articulated objectives, performance measures and monitoring milestones. Ensure that the performance reviews include a review of interaction with staff.

Ensure that all employees are made aware of all of the avenues available to raise concerns or complaints.

To the best of the investigation team's knowledge there are no written policies for specifically reporting statements about potential personal violence, nor a mechanism to investigate such concerns, if the violent statements are not directed against a specific individual. The Team has learned that employees can contact police, and can take concerns to the Occupational Health and Safety Committee, but the Committee is not authorized or trained to deal with such statements. Further, Occupational Health and Safety Committee minutes are public, and there can be no expectation of privacy if bringing forward such an issue to the Committee. There must be a system in place to confidentially report general statements of potential violence.

Investigate the implementation of a parallel, anonymous system for worker complaints where current avenues are deficient e.g. the ombudsman's model.

Ensure staff are knowledgeable about the system to deal with improper behaviour by a worker.

When dealing with terminations []:

- Review the process for determining whether there is potential for violence on the part of an individual to be terminated. If a potential for violence is identified use expert advice and assistance to facilitate the process.
- If a potential for violence is identified ensure that all of the required information is available to the decision-makers, even if this might require some discrete inquiries while ensuring confidentiality.
- Ensure that part of the termination process includes relieving the terminated employee of work-related keys, so they do not have access to company vehicles or non-public access doors to the office. Given the potential for emotional response to the process, the key removal should occur at the beginning of the conversation.
- Arrange ahead of time for a dignified and timely way for the terminated employee to leave the premises.

PERSONS INVOLVED IN THE INVESTIGATION

Craig Beeson, Worker Representative _____

Al Breitzkreutz, Employer Representative _____

Jim Allman, Lead Investigator _____

Frank Anderson, BCGEU Representative

Appendix 1



Photo 1:

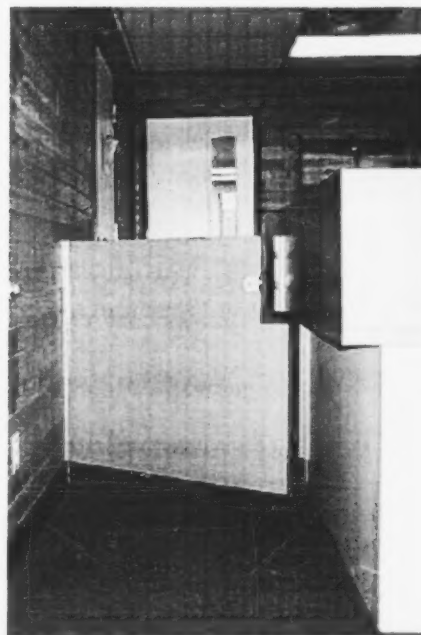
Panic Hardware on the door at the South exit.

Note the location of the panic bar is significantly lower than the push bar.

Photo 2:

Half door at reception to prevent entry into private areas of the office.

Note that the door opens inward and is difficult to unlatch in an emergency.



Appendix 2

32.15 Misuse of Managerial/Supervisory Authority

Misuse of managerial/supervisory authority takes place when a person who supervises or is in a position of authority exercises that authority in a manner which serves no legitimate work purpose and which ought reasonably be known to be inappropriate. Misuse of managerial/supervisory authority does not include action occasioned through the exercise, in good faith, of the Employer's managerial/supervisory rights and responsibilities.

Nor does it include a single incident of a minor nature where the harm, by any objective standard is minimal.

Where the allegation is based on a matter for which another dispute resolution mechanism exists, then this process shall not be utilized.

Procedures

- (a) If there is an allegation of misuse of managerial/supervisory authority, the employee will approach their supervisor or the first level of excluded manager, not involved in the matter, for assistance in resolving the issue within 30 days of the alleged occurrence. The supervisor/manager will investigate the allegation and take steps to resolve the concern as appropriate within 30 days of the issue being raised by the employee. The supervisor/manager will discuss the proposed resolution with the employees directly involved. The employees directly involved may have a steward present during these discussions.
- (b) If the proposed resolution is not acceptable, the complainant may refer the matter through the Union in writing to the Deputy Minister or their designate within 30 days of receiving the supervisor's/manager's response or when the response was due. The written statement will provide full particulars of the allegation including:
 - the name(s) of individual(s) involved; and
 - the specific actions and dates of the alleged misuse of managerial/supervisory authority; and
 - names of witnesses; and
 - an explanation as to why it should be considered misuse of authority; and
 - the remedy sought; and
 - an outline of the steps which have been taken to resolve the matter in (a) above.

These particulars will form the basis of the Deputy Minister's consideration and/or investigation and will be those which are placed before the panel should the matter proceed pursuant to (d). The Deputy Minister shall provide the respondent with a copy of the complaint.

(c) The Deputy Minister or their designate will acknowledge, in writing, receipt of the written statement, including the particulars, and when required, will have the matter investigated and will take such steps as may be required to resolve the matter. The Union and the employees involved in the allegation shall be advised in writing of any proposed resolution or other response within 30 days of providing notice to the Deputy Minister.

(d) Where the matter is not resolved pursuant to (c), the Union may refer the matter to the Joint Mediation/Arbitration Panel within 30 days of receiving the Deputy Minister's response or when the response was due. The Panel will be comprised of one member each from the Employer and the Union, and a Chairperson who shall be appointed jointly

by the Parties. By mutual agreement, the Parties may appoint two members each to the Panel.

The referral to the panel will include the written statement presented at step (b) above and the Deputy Minister's response.

The Joint Mediation/Arbitration Panel shall hear and determine any dispute between the Parties over interpretation, application or any alleged violation of this clause. The panel will review the written statement and the Deputy Minister's response prior to setting the case down for hearing to determine if there is a basis for the complaint. If there is no basis for the complaint or there are insufficient particulars, the panel will dismiss the case.

Hearings shall be conducted so as to give those involved a fair hearing. The Panel may admit any evidence deemed necessary or appropriate. The Panel may:

- (1) make findings of fact;
- (2) decide if, on the facts, misuse of managerial/supervisory authority has occurred;
- (3) attempt to mediate a resolve;
- (4) dismiss the complaint.

The decision of the Panel shall be final and binding and consistent with the terms of the collective agreement.

(e) Where the complaint is found to be frivolous, vindictive or vexatious, the Employer may take appropriate action which may include discipline.

(f) Disciplinary action taken by the Employer which is consistent with the recommendations of the majority of the Panel shall not form the basis of a grievance

(g) Pending the determination of the complaint, the Deputy Minister(s) may take interim measures to separate the employees concerned, if deemed necessary. Any such action taken under this section will not be deemed disciplinary in nature, or seen as presumption of guilt or innocence.

NOTICE of CORRECTION

Re: Kamloops Incident Investigation Report dated March 16, 2003

The investigation team has recently instructed me to forward a notice of correction regarding their report.

On Page 6 under the paragraph beginning:

"According to the Corporate Services Manager, a plan was developed that included:

- *Mr. Anderson was to be relieved of his work related keys by the Corporate Services Manager immediately following the discussions with Mr. McCracken."*

The sentence in italics is not factually accurate and it should be deleted from your copy of the report.

Bob Marsh
Project Director
Kamloops Incident Investigation Coordination Team

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